

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Dirksen Federal Building
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
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PLRA FEE NOTICE

FILED

AUG 21 2008

August 21, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

No.: 08-3142	ERIC WARE, Plaintiff - Appellant v. GUY D. PIERCE, Warden, NEDRA CHANDLER, Warden, C. O'NEAL, RODGER E. WALKER, Jr., Defendants - Appellees
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Originating Case Information:

District Court No: 3:08-cv-50064
Northern District of Illinois, Western Division
Court Reporter Mary Lindbloom
Clerk/Agency Rep Michael Dobbins
District Judge Frederick Kapala

Circuit Rule 3(b) empowers the clerk to dismiss an appeal if the docket fee is not paid within fourteen (14) days of the docketing of the appeal. This appeal was docketed on August 21, 2008. The District Court has indicated that as of August 21, 2008, the docket fee has not been paid. Depending on your situation, you should:

1. Pay the required \$450.00 docketing fee PLUS the \$5.00 notice of appeal filing fee to the District Court Clerk, if you have not already done so. The Court of Appeals cannot accept this fee. You should keep a copy of the receipt for your records.
2. File a motion to proceed on appeal in forma pauperis with the State, along with a certified copy of your prison trust account statement for the six (6) month period preceding the filing of the notice of appeal, if you have not already done so. An original

and three (3) copies of that motion, with proof of service on your opponent, is required. This motion must be supported by a sworn affidavit in the form prescribed by **Form 4** of the *Appendix of Forms to the Federal Rules of Appellate Procedure (as amended 12/01/98)*, listing the assets and income of the appellant(s).

3. If the motion to proceed on appeal in forma pauperis is denied by the district court, you must either pay the required \$450.00 docketing fee PLUS the \$5.00 notice of appeal filing fee to the District Court Clerk, within fourteen (14) days after service of notice of the action to the district court, or within thirty (30) days of that date, renew your motion to proceed on appeal in forma pauperis with this court. If the motion is renewed in this court, it must comply with the terms of Fed. R. App. P. 24(a). In addition, you must provide this court with a brief memorandum explaining why you contend the district court's denial of leave to proceed on appeal in forma pauperis is erroneous. **NOTE:** The document should be titled "**MEMORANDUM IN SUPPORT OF PLRA MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**" and must be filed within thirty (30) days of service of the order of the district court.

Further, this appeal is subject to the Prison Litigation Reform Act. Accordingly,

IT IS ORDERED that all other proceedings in this appeal are **SUSPENDED** pending the assessment and payment of any necessary fees. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997). The court will take no further action in this appeal until the fee status is resolved.

Neither party should tender any brief or motion that is not related to appellant's fee status on appeal. Appellee is under no obligation either to file a brief or to respond to any such motion filed by appellant. Any motion not related to appellant's fee status will be deemed denied without further court action.